

**2001 ANNUAL REPORT
OF THE
ATTORNEY GENERAL**

**PRESENTED TO: THE
HONORABLE WILLIAM J. JANKLOW
GOVERNOR, STATE OF SOUTH DAKOTA**

**PRESENTED BY:
ATTORNEY GENERAL MARK BARNETT
JULY 2002**

The Office of Attorney General is responsible for the provision of legal services to the State. The Office is composed of two primary divisions, Legal Services and Criminal Investigation. In FY01, the Office had an annual budget of approximately 12.5 million dollars and 131 employees; it is the smallest Attorney General's Office in the United States.

DIVISION OF LEGAL SERVICES

Legal counsel and litigation services to the State are provided by the Appellate, Natural Resources, Litigation, Drug Prosecution, Consumer Protection, and Medicaid Fraud Control sub-divisions of the Division of Legal Services. Some litigation and projects are conducted on an inter-divisional basis. There are approximately 29 attorneys providing these services.

APPELLATE DIVISION

The Appellate Division is responsible for representing the State in all criminal appeals and habeas corpus proceedings, and for providing legal advice to many state agencies, boards and commissions. In defending criminal appeals in 2001, Appellate attorneys submitted 135 briefs¹ and presented oral argument in 27 cases before the South Dakota Supreme Court. Division lawyers also presented oral argument in 15 cases before the United States District Court, six cases before the Eighth Circuit Court of Appeals, and 15 cases before South Dakota Circuit Courts.

Significantly during 2001, the Appellate Division was responsible for the appellate litigation of five death penalty cases, State v. Rhines, State v. Moeller, State v. Robert LeRoy Anderson, State v. Piper, and State v. Page. The Rhines case involved a habeas corpus challenge in federal district court for a conviction of first degree murder and imposition of the death sentence. The South Dakota Supreme Court affirmed dismissal of the state court habeas petition in February 2000, and Rhines had exhausted challenges to his conviction and sentence in South Dakota state courts. He is currently challenging his conviction and sentence in the United States District Court. At the end of 2001, there had been several filings in that court. A hearing on procedural matters was held in May 2001.

Moeller was convicted of first-degree murder and rape of a nine-year-old girl and his conviction was reversed on appeal. The Office's Litigation Division and the local state's attorney re-convicted Moeller and he was re-sentenced to death. The South Dakota Supreme Court affirmed Moeller's conviction in August 2000, and he is now challenging the conviction in a state court habeas corpus proceeding. During 2001, the Appellate Division has been assisting the Litigation Division and the Lincoln County State's Attorney in defending the habeas corpus case in circuit court. A hearing on the merits in the Moeller habeas case will be held in Canton, South Dakota at the end of February 2002.

¹ These cases were filed in the South Dakota Supreme Court, the United States District Court, the United States Eighth Circuit Court of Appeals,

Near the end of 2000, three defendants were accused of capital crimes in a brutal murder of their acquaintance outside Spearfish, South Dakota. In early 2001, Elijah Page and Briley Piper were sentenced to death. Darrell Hoadley was given a life sentence. Piper appealed to the South Dakota Supreme Court in early 2001, as did Page. Briefing in Piper's case is complete and that case will be argued before the South Dakota Supreme Court in March. Briefing in the Page and Hoadley cases should be completed in the summer of 2002.

The Appellate Division defends against state and federal habeas corpus actions brought by convicts to test the legality of their prison detention. While the local state's attorney usually defends state habeas corpus trials, the Division handled 11 state habeas corpus trials in 2001, in cases originally prosecuted by this Office or where the state's attorney had a conflict.

Federal habeas trials are handled directly by the Division. During 2001, the Division defended 35 federal habeas corpus requests, with no petitions being granted by the district court. Four convicts also asked for federal habeas corpus review before the Supreme Court of the United States, all of which this Division successfully resisted. One petition was granted by the United States District Court in 2000. The Division attorney responsible for this case appealed to the United States Court of Appeals for the Eighth Circuit, argued

the case in that court, and the Eighth Circuit reversed the District Court's grant of habeas relief in 2001.

The Appellate Division is also responsible for resisting requests for permission to appeal criminal proceedings and habeas corpus denials to the South Dakota Supreme Court. The Division successfully resisted or assisted state's attorneys in resisting 15 of the 17 requests made in 2001.

Over 170 State agencies, boards and commissions look to the Attorney General's Office for representation. Currently, 133 agencies or boards are assigned to the Appellate Division for representation. Each Division attorney has several agencies assigned to him or her. There was considerable important and time consuming litigation and transactional representation pursued by this Division on behalf of agencies in 2001. Examples include: responding to United States Justice Department complaints on behalf of the Department of Corrections; handling drivers' license revocations for refusals of blood alcohol testing, monitoring an optometric study supervised by the Optometry Board; and extensive review and rewriting of agency contracts with outside parties. Various professional boards revoked at least seven licenses after administrative litigation or negotiations were pursued by the Division's attorneys.

One Division Attorney is assigned full time to the Department of Revenue. He handled several significant tax and valuation cases during 2001. One involved a challenge to the constitutionality of non-agricultural acreage statutes, SDCL

10-6-33.14 et seq. Several others involved taxation of activities or interests on Indian reservations and land valuation in general.

The area of teacher and school administrator misconduct, as well as other school matters, was especially active in 2001 as it was in 2000. The Division attorneys assigned to the Department of Education and Cultural Affairs (DECA) pursued 38 cases of alleged teacher or administrator misconduct in 2001. Not all allegations were substantiated but the Department and its attorneys remain vigilant in this area. The DECA attorneys review many proposed decisions of the Office of Hearing Examiners in education matters, and assist the Secretary of Education and Cultural Affairs in making decisions in contested cases. The DECA attorneys review matters in the area of Special Education and advise the Department and school districts as appropriate. Attorneys representing DECA take calls regarding schools from teachers, administrators, school board members, parents and other school district patrons.

One Appellate Division attorney prosecutes all matters relating to stolen motor vehicles and parts. This area is particularly active during the annual Sturgis Motorcycle Rally and Races.

The attorney assigned to the Division of Criminal Investigation Sex Offender Registration Program prepared administrative rules on behalf of the Attorney General and guided them through the rule making process, including testifying before the Interim Rules Review Committee. This

attorney also revised registration forms, conducted compliance reviews for compliance with federal law, and assisted in drafting proposed legislation for the 2002 legislative session.

The Division attorney assigned to the Department of Corrections handled approximately 30 cases that involved either prisoner discipline, revocation or grant of parole, or complaints about prison conditions or procedures. None of these cases led to substantive relief for the prisoner.

An active area is the processing of extradition requests by this state and other states, and also detainer requests by a state or prisoner. Extradition involves the return of a fugitive to the state where he or she is alleged to have committed a crime. A detainer involves the taking an alleged offender to another state for processing of charges against him or her. This Division processed 81 extradition requests and 15 detainer requests in 2001.

Another area of significant responsibility is providing advice to local governments. Two Division attorneys handle inquiries from county, township and municipal officials who request advice.

NATURAL RESOURCES DIVISION

The Natural Resources Division provides specialized legal counsel to state agencies in environmental, agricultural, financial, Indian law, and natural resource matters. The Division's activities are focused on state boards and agencies issuing environmental, water, and agricultural permits, or

leasing state minerals lands, and on the prosecution and defense of State civil, administrative, environmental and public health litigation. The Division has been providing assistance to counties concerning similar matters.

The year 2001 cases and projects of particular importance included: the establishment of drilling and operation procedures for oil and gas fields; proceedings and counsel to the Department of Environment and Natural Resources regarding water pollution or wastewater discharges by several entities, including an illegal dumping of waste oil at the new Missouri River Bridge in Vermillion; drafting of a state superfund agreement with EPA for the Gilt Edge Mine Superfund site; working with the Governor's Office on federal legislation for the physics laboratory in the Homestake Mine; prosecutions of public water supplies for drinking water violations in housing developments in the Black Hills; prosecutions involving pesticide applications in Turner, Yankton, and Charles Mix counties; the review and prosecution of water right permits such as those for Heine Farms (Yankton County), Game, Fish and Parks (Brown, Spink and Pennington Counties), and Frawley Ranches, Inc. (Lawrence County); and enforcement actions concerning discharges to surface waters. The Division continues to represent the State in various drainage and flooding issues; in litigation involving public access to water (Parks v. Cooper); and in disputes involving ordinary high water marks (Lake Byron). The Division filed an appeal before the Interior Board of Land Appeals concerning Goat Island in

the Missouri River. The Division is also continuing to provide legal counsel on forest management activities and the pine beetle infestation in the Black Hills, as well as the listing of prairie dogs on the Endangered Species List and state management of prairie dogs. Division attorneys have been monitoring private counsel defending the State in the takings case of SDDS, Inc. v. State of South Dakota. Division attorneys have also defended the state in trial of a case challenging the constitutionality of the anti-corporate farming constitutional amendment ("Amendment E") in Farm Bureau, et. al. v. Hazeltine, et. al.

The Division provides counsel in matters involving Indian law, including civil and criminal jurisdiction issues. In 2001, the Division continued work on the status of lands within the 1858 Yankton Sioux Reservation boundaries. The Division continued the legal attack on the right of the Secretary of Interior to take certain off-reservation land in central South Dakota into trust and also filed a lengthy opposition to the taking of certain land into trust in Eastern South Dakota. Division attorneys concluded the motor vehicle excise tax case, and are continuing to pursue the motor fuel excise tax case in the South Dakota Supreme Court, with victories before the Secretary of Revenue and circuit court. Division attorneys also defended against the attempt to set aside the Congressionally authorized transfer of lands along the Missouri River to the State and to two Indian tribes; the lands are to be used for recreation and wildlife mitigation. Division

attorneys provide amicus assistance and frequent advice to various states on Indian jurisdiction and land in trust issues. Division attorneys regularly provide legal advice to state agencies and local governments to facilitate ongoing negotiations with tribes and to assist in the development of sound legal and policy positions with regard to Indian jurisdictional issues that frequently arise in game and fish, gaming, law enforcement, environmental, revenue, utility, health records and related areas. This work has included issues with the United States Environmental Protection Agency regarding the jurisdiction of tribes in delegation of federal environmental programs.

Division attorneys provide legal counsel in environmental financial matters. The Division assisted in preparing the financial documentation supporting Board of Water and Natural Resource drinking water and wastewater state revolving fund loans to several cities and rural water systems, including Rapid City, Tyndall, Tripp, Gettysburg, Redfield, Bristol, and the Fall River Water Users District. The Division participated in preparation of the bond documents for the SD Conservancy District's issuance of its \$4,405,000 Clean Water SRF Bonds and its \$5,270,000 Drinking Water SRF Bonds to fund the State's share of those loan programs. The Division also provided legal advice, drafted and reviewed contracts and loan agreements, and reviewed bonds issued by local governments for drinking water, wastewater, solid waste and storm sewer loans and grants made by the Board of Water and Natural Resources, and assisted the

Department of Environment and Natural Resources in implementation of the statewide waste tire cleanup program and the Governor's Spruce Up South Dakota program.

The Division's attorneys provide administrative and litigation support to other state agencies. Division attorneys drafted Attorney General legislation; reviewed Attorney General Official Opinions; were involved in the drafting of Attorney General ballot explanations; provided counsel to the Secretary of Health concerning the revocation of food establishment licenses; defended the State in various employment disputes; assisted the Secretary of State in the implementation of the changes required by the Revised Article 9 of the SD Uniform Commercial Code; defended much of the constitutional litigation filed against the State; and participated in cases before several federal agencies, including the Federal Energy Regulatory Commission. The Division is jointly responsible with the Appellate Division for the enforcement of the state's non-participating tobacco manufacturer statute, which is required to protect the state's tobacco settlement monies. Litigation against eight non-participating tobacco manufacturers was initiated in 2001. The enforcement case brought against the Omaha Tribe of Nebraska as a non-participating tobacco manufacturer has raised several Indian jurisdiction issues of import.

LITIGATION DIVISION

The Litigation Division is primarily responsible for prosecuting criminal cases throughout the state. Cases are

generated in three ways. Local state's attorneys often seek assistance with major felonies. In addition, the Division investigates and initiates its own non-drug* criminal prosecutions in conjunction with the Division of Criminal Investigation. Finally, the Litigation Division has sole jurisdiction for prosecuting criminal offenses committed inside the South Dakota State Penitentiary at Sioux Falls, South Dakota.

The Division's three attorneys, as well as the Attorney General and Chief Deputy, handle all aspects of criminal prosecution. This ranges from coordinating the investigation to trying the case to a jury.

In a re-trial, Dawn Frazier was again convicted of Murder and Kidnapping in the brutal beating death of Morning Star Standing Bear. Along with Chaske White, who earlier pled guilty to Murder to avoid the death penalty, and 14 year old Robert Horse, convicted of Murder and Kidnapping in a separate trial, Frazier picked up Standing Bear in a Rapid City bar and drove her out into the country. A Meade County jury found that Frazier drove the car, with the understanding that White and Horse were going to rape or assault Standing Bear as some type of initiation into White's gang "Real Thug Family." En route, Horse and White repeatedly asked and assured each other that "they were down" for what was about to take place. At the crime scene, White and Horse beat and kicked Standing Bear, stabbed her with a broken bottle, and impaled the side of her

* Our Drug Prosecution Unit handles the majority of drug cases.

head with a car jack. Frazier urged them to "hurry up," and drove the gang back to Rapid City after leaving Standing Bear in a ditch to die. Frazier was sentenced to mandatory life in prison.

Samuel Wayne Boston was indicted on alternative counts of First and Second Degree Murder, and First and Second Degree Felony Murder while attempting a rape or sexual contact with a person incapable of consenting. The victim, Richard Gitter, resided in the same apartment building as Boston. Law enforcement and emergency medical personnel, responding to Boston's 911 call, found Gitter deceased in Boston's bathtub, naked, with a laceration on his head and bruises on his knees. The cause of death was determined to be asphyxiation from strangulation. Boston's trial is currently scheduled to commence April 29, 2002.

Jeffrey Hansen pled guilty to First Degree Manslaughter, two counts of Aggravated Assault, a charge of Discharging a Firearm at a Motor Vehicle and Discharging a Firearm at an Occupied Structure. Hansen emptied five rounds of a 30.06 rifle at patrons outside the Kickback Saloon in Flandreau. Hansen killed one individual seated in the extended cab portion of a pickup truck who just happened to pull up in front of the bar with his friends. Hansen was sentenced to serve 100 years in the South Dakota State Penitentiary.

Jose Sanchez, a prisoner at the South Dakota State Penitentiary, pled guilty to Attempted Murder after brutally beating his cellmate inside the facility. Guards discovered

Sanchez kicking, striking and jumping on the neck, head and body of his roommate. Sanchez was striking his cellmate with a weapon made out of towel, bed sheets, sandals and numerous books. The victim received life-threatening injuries and is currently in a coma at a nursing home. Sanchez, an illegal alien from El Salvador, was sentenced to an additional 50 years in the South Dakota State Penitentiary.

Bradley Wayne Bleeker was convicted of ten counts of Third Degree Rape. Over the period of a couple years, he had engaged in sexual intercourse with his daughter. Bleeker was ordered to serve seven years in the South Dakota State Penitentiary on each charge, with the sentences to run concurrently. Bleeker's daughter was approximately 12 years old when these rapes began occurring.

Janice Stevenson pled guilty to Second Degree Arson for starting the largest forest fire in Black Hills history. Stevenson violated her plea agreement prior to sentencing by failing a polygraph on questions surrounding other fires she had started, and specifically the Westbury Trails fire which burned numerous residences in the Rapid City area in 1988. Stevenson was sentenced to the South Dakota State Penitentiary for 25 years, and ordered to make restitution in the amount of \$42,204,155.48.

The Litigation Division assisted the Consumer Protection Division in the prosecution of a Watertown-area pyramid scheme known as a gifting club. This effort resulted in 33 convictions and \$1,000,000 in restitution, which includes money

returned to participants and money ordered to be paid back. More detail can be found in the Consumer Protection Division section of this report.

Stephen Palmer, a lawyer who practiced in Sioux Falls, South Dakota, withheld monies from his clients in a fiduciary capacity, and then converted those monies to his own use. He pled guilty to three separate counts of Grand Theft by Embezzlement of Property Received in Trust. He was ordered to serve 10 years in the South Dakota State Penitentiary and pay restitution in an amount to be determined later. Restitution amounts are pending, and early indications indicate that figure will be at or exceeding \$500,000.

James Lawrence and Vaughn Whiting were convicted of Theft by Deception and Embezzlement of Property Received in Trust, respectively, after a joint jury trial in Armour, South Dakota. These thefts involved a series of checks obtained from an 87-year-old woman totaling over \$300,000. Lawrence and Whiting first met the victim in 1995 when they stopped by her home offering to do masonry work on her chimney. They later came back to repair her basement foundation, and grossly overcharged her for the work performed. Over subsequent months, they continued to obtain large sums of money from the victim, representing to her that if she didn't keep paying additional money for taxes and surcharges, she would lose her entire "allotment." Lawrence was sentenced to the maximum penalty of 25 years in the State Penitentiary, and ordered to pay \$310,414 in restitution. Whiting was sentenced to 10 years in the State

Penitentiary, with five years suspended on the condition that he pay restitution in the amount of \$33,374.

Michael Bodelson pled guilty to one count of Theft by Deception. Bodelson sold over \$80,000 worth of advertisement to various businesses in numerous counties throughout South Dakota, then never fulfilled the contract or printed the advertisement. Rather, Bodelson converted that money to his personal use. He was ordered to make restitution in the amount of \$1,000 per month to his victims.

Stuart Emerson held himself out as a used tractor dealer doing business out of Texas. He arranged for the exchange of \$22,500 for two used combines. Emerson received the money and converted it to his own use, but failed to deliver any machinery. He pled no contest to the charge of Grand Theft by Deception. Emerson was ordered to serve seven years in the South Dakota State Penitentiary, pay a fine of \$3,053, and restitution in the amount of \$22,500.

A S.D. juvenile, was adjudicated a juvenile delinquent after admitting to one count of Theft by Deception, and his mother Rochelle Devine pled guilty to one count of Accessory to Grand Theft by Deception. S.D. purported to sell several personal computers over the internet and collected the money without delivering the goods. His mother learned what he had done, and assisted him by lying to both the victims and law enforcement about what had taken place. S.D. was placed on supervised probation for three years and ordered to pay restitution of over \$16,000 to the victims. His mother

received five years in the State Penitentiary, all of which was suspended on the condition that she be placed on probation for three years and be jointly responsible for half of the restitution amount.

Andy Anderson of Cerkenik-Anderson, an Arizona Travel Company doing business as students tours or college tours, was charged with alternative counts of Theft by Deception and Embezzlement of Property Received in Trust. During 1990-1999, Anderson obtained money from dozens of high school and college students in South Dakota for spring break trips to Cancun. Anderson would then cancel the trips at the last minute and refuse to refund any money. The company, of which Anderson was president, had been sued civilly by the state in 1999 but subsequently filed bankruptcy. Thereafter, the criminal charges were filed against Anderson personally. The State entered into a deferred prosecution agreement with Anderson, whereby the criminal charges were dismissed without prejudice on the condition that he pay full restitution to all the students named as his victims in both the criminal and civil cases. In addition, he was required to refrain from ever conducting such business in South Dakota again. Restitution in the amount of \$21,332 was paid in full upon the signing of this agreement.

Charles Divan was charged with Grand Theft in connection with the operation of his cattle ranch. He pled guilty to one count of Possession of Stolen Property. Divan received a suspended imposition of sentence and ten year probationary

period, conditioned upon inspection of his property and livestock by the Shannon County Sheriff or his deputy or any other duly authorized law enforcement officer if any complaints were received from his neighbors that they had reason to believe any of their livestock had strayed onto property owned, leased or controlled by Divan. He was also ordered to serve 90 days in the Fall River County jail.

The Litigation Division filed charges against 13 South Dakota State Penitentiary inmates. Eight of these inmates were convicted, with three cases still pending. One inmate, Nick Anderson, kidnapped and assaulted a guard in an attempt to escape. The attempt was thwarted. Anderson pled guilty to four felony counts, including kidnapping and assault. The trial court sentenced Anderson to 20 years. Another inmate, David Kropuenske, assaulted guards at the State Penitentiary and the Minnehaha County jail. He pled guilty to three counts of aggravated assault and one count of possession of a weapon. The trial court sentenced him to 22 years.

Jason Rodman was convicted of driving under the influence after a jury trial in Brookings, South Dakota, and admitted having been convicted of DUI on two previous occasions within the last 5 years. He was then sentenced on the felony DUI offense to a suspended penitentiary sentence and electronic monitoring, along with several other conditions including the suspension of his driver's license.

The Litigation Division also provided legal counsel to the Boards of Dentistry, Pharmacy, Law Enforcement Officers

Standards and Training Commission, and Highway Patrol. Responsibilities include bringing administrative actions against individuals who are licensed and policed by the various boards, opinions on various statutes and rules, and advice as to drafting and implementing administrative regulations.

The Division provided instruction to law enforcement at the Training Academy. Attorneys were responsible for teaching areas of law regarding Miranda warnings, confessions, identification, criminal procedure, search and seizure, arrest, asset forfeiture, civil officer liability, use of force, and 911 liability. As part of the basic 12 week training course. The Division also conducted moot court training for the Academy, where selected officer candidates are examined and cross-examined in a simulated court proceeding involving a mock DUI case.

INTER-DIVISIONAL LEGAL ACTIVITIES

Teams of senior attorneys, drawn from the various Divisions, handle a number of Attorney General projects and litigation. Requests for Attorney General's Opinions are handled in this manner. Opinions are drafted by an attorney with expertise in the subject area, and reviewed and approved by three senior attorneys and the Chief Deputy Attorney General prior to final approval by the Attorney General. This office issued 23 opinions in 2001 (3 letter opinions, and 20 attorney letter opinions).

DRUG PROSECUTION UNIT

(7-1-00 to 6-30-01)

The Drug Prosecution Unit, consisting of five attorneys and two legal secretaries, managed and prosecuted 276 criminal cases during fiscal year 2001. This is an increase from 246 in fiscal year 2000. Drug charges were filed in 14 counties. The type of drugs involved included cocaine, MDMA or ecstasy, methamphetamine, amphetamine, LSD, psilocybin mushrooms, marijuana and other scheduled substances (such as hydrocodone, darvocet, percocet, clonazepam, morphine, oxycontin, Demerol, percodan, vicoprofen, oxycodone, and ambient or zolpidem). Methamphetamine still dominates the type of controlled substance prosecutions. MDMA/ecstasy is the new dangerous "kid on the block" with an expected increase in use. The Unit will also begin to assist with violent crime prosecutions where help is needed throughout the state.

The Unit also handled 170 forfeiture cases in fiscal year 2001. These forfeitures included vehicles, weapons, cash and other assets. Drug dealers still appear to be aware of forfeiture consequences if caught, and therefore the vehicles used in drug transactions are not of a high profile or quality. Forfeiture cases are down from 212 cases completed in 2000. The Unit was presented with 26 less vehicles for forfeitures, but received more federal sharing. However, the Unit received less currency forfeiture amounts and at the same time had a decrease of 45 currency forfeiture cases. The overall value of assets received for FY01 was \$481,742. This was a decrease from FY00, which was \$504,334.

The Drug Unit provided training to law enforcement including the DCI, Highway Patrol, sheriff's departments, city police departments, Law Enforcement Training Academy, and various other branches. The Unit is available to law enforcement on a daily basis to answer legal questions and provide direction. The Unit also continues to assist local state's attorneys with issues, including reviewing or preparing petitions for intermediate appeal. Prosecutors and agents also coordinated with federal prosecutors to ensure that large, high-profile drug dealers are prosecuted in federal court where generally a stiffer penalty is given. Prosecutors continued to speak out against drug use at community events such as DARE and youth groups.

CONSUMER PROTECTION DIVISION

The Division of Consumer Protection protects consumers and the legitimate business community by investigating, mediating and litigating cases of consumer fraud or misrepresentation. The Division enforces a number of consumer laws designed to protect the public, including the Deceptive Trade Practices and Consumer Protection Act and statutes relating to buying clubs, telephone solicitation, telemarketing, and sweepstakes. The Division also advises consumers of their basic rights relating to consumer laws and distributes consumer educational materials; assists in the preparation of consumer protection legislation; and participates in multi-state actions with other state and federal consumer protection agencies. In addition, the Division informs consumers of the complaints that might be

on file against a company or common scams and responds to issues involving door-to-door sales; advertising; paid solicitors; new and used vehicle purchases, titles, and repairs; senior citizen rights; landlord/tenant relations; federal credit laws; mail order rules; warranties and guarantees; charitable solicitations; home repair and construction; employment scams and other areas dealing with retail purchases.

In 2001, the Division recovered a record \$3,062,966 for consumers. Approximately 24,000 phone calls were received by the Division and 1,974 case files were opened. Division investigators closed 1,882 of these files, and the recovery rate was 60%. See the Litigation Division section for further details.

Cases involving litigation included:

In June, 2001, Andy Anderson, who operated College Tours, entered into a deferred prosecution agreement in Sioux Falls. Restitution in the amount of \$21,332 was paid to 71 South Dakota high school and college students after the travel company failed to provide packages to students planning spring break vacations.

On August 23, 2001, Todd Spomer pled guilty in Lawrence County to two counts of grand theft by deception and was sentenced to serve five years in the South Dakota State Penitentiary, with an additional five years suspended. Spomer ran a fraudulent investment scheme in which he took money from two victims and promised to invest that money in a legitimate

company. Spomer failed to invest the money and kept it for his personal use. Spomer was also ordered to pay over \$30,000 in restitution.

In October, 2001, an investigation into the sale of fraudulent advertisements resulted in a plea agreement with Michael Bodelson, owner of Area TV. Bodelson entered a plea of guilty in Faulk County Circuit Court to one count of theft by deception and has agreed to pay restitution in the amount of \$80,107 to 128 South Dakota businesses.

On October 23, 2001, the former owners of D & J Glass pled guilty to grand theft charges. David and Marche' Jasper entered their guilty pleas in Circuit Court in Sioux Falls. David Jasper pled guilty to two counts of grand theft and faces up to 20 years in prison and a \$20,000 fine. Marche' Jasper pled guilty to one count of aiding and abetting grand theft, and in exchange for her plea and cooperation, the State will ask that her sentence be suspended. The couple had been in the glass restoration business for several years in Sioux Falls. Beginning in June 2000, the Jaspers began collecting credit card payments for work they had not completed. About 10,000 items were recovered from the Jaspers. The Division shipped the 10,000 items back to 4,500 people across the United States at a cost of over \$70,000. Total restitution in the case is over \$1,000,000. Sentencing is scheduled for February, 2002.

On November 8, 2001, South Dakota was part of a multi-state settlement that required tire maker Bridgestone/Firestone to pay more than \$51,000,000 and to alter its marketing

techniques. South Dakota consumers received 22,266 replacement tires from Bridgestone/Firestone, at a cost of over \$1.8 million. In addition, the State of South Dakota received \$500,000 as a monetary payment and \$25,000 for attorney fees. The settlement further requires Bridgestone/Firestone to make changes to its warranty policy and to provide money for consumer education.

On November 8, 2001, South Dakota settled with TRIAD Company, a discount-buying club, as a part of a multi-state agreement. Six hundred seventy-seven South Dakotans will receive refunds for an approximate recovery of \$50,000. TRIAD also paid \$2,500 to South Dakota for attorney fees. Finally, TRIAD, and its founder, Ira Smolev, agreed to several provisions which will make it more difficult to engage in deceptive practices in the future. These provisions require TRIAD and Smolev to follow strict marketing practices and to submit to third party verification of business practices.

The Division began an extensive investigation into a widespread gifting club pyramid scheme in the fall of 2000, which continued throughout the year of 2001. As a result, \$1,014,000 was recovered in returned restitution as of December 31, 2001. This includes moneys to participants and money ordered to be paid back. This scheme was a violation of the Deceptive Trade Practices Act, SDCL 37-24-6(5).

New club members gave "gifts" of \$2,000 to the highest-ranking club member on the board. Once the highest-ranking member received 8 "gifts," they went off the board with \$16,000

and the others advanced on the board. The person getting off the board could then get onto another board of \$2,000 or advance onto a \$4,000 board. Those giving gifts were assured a reward if they got additional members to join the club.

The Division concentrated its efforts in the Codington and Deuel County area. Several other counties (Pennington and Brown County) handled their own gifting club investigations/prosecutions within their own counties. The Division also assisted other counties with information and reports as to participants and activities within their counties.

As a result of the investigation, 35 people in Watertown were charged with Deceptive Trade Practice violations. An additional 34 participants in Watertown entered into plea agreements without being charged. In Milbank, 10 people entered into plea agreements without being charged. In each instance, participants identified as having received monies were ordered to pay it back to those from whom they had received it. The total as of December 31, 2001, was \$1,014,000.

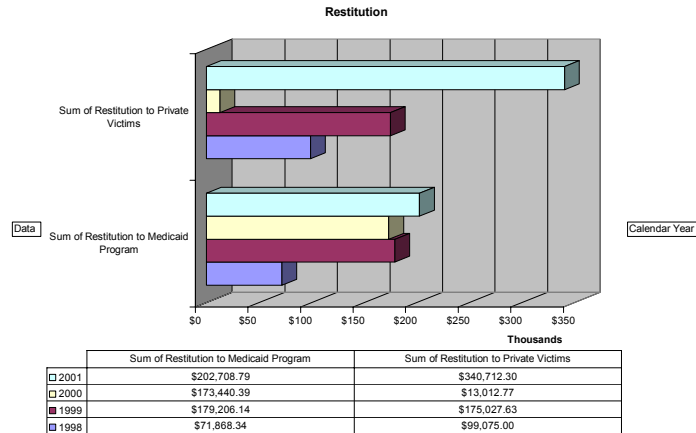
MEDICAID FRAUD CONTROL UNIT

In 2001, the Medicaid Fraud Control Unit reviewed over 250 complaints, from both state agencies and private individuals, alleging fraud, abuse, neglect, and financial exploitation related to the State

Medicaid program. The Unit obtained seven criminal convictions against perpetrators of such actions. The Unit recovered \$202,708.79

for the Medicaid

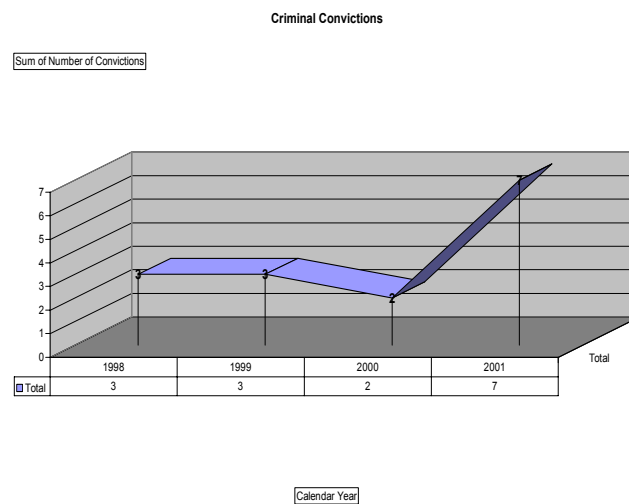
Program and \$340,712.30 for private victims of theft and exploitation.



In 2001, the Unit completed several prosecutions resulting in seven criminal convictions. Doris Gosselin of Custer was sentenced to ten years probation with 30 days in the County jail after her conviction for Grand Theft. Gosselin's mother is a resident of a Custer County nursing home. Doris was the court-appointed guardian. Rather than using the guardianship funds to pay for her mother's care, Doris used the money for her own purposes. As a result of the depletion of those funds, the State Medicaid Program was required to step in and pay for the nursing home care. The conviction resulted in restitution to the nursing home and to the Medicaid Program. In a similar action in Lincoln County, Rodney and Helen Peterson were both convicted of Grand Theft after they took for themselves money

of an elderly friend for whom they were acting as power of attorney.

Also in Custer County, the Unit completed a second prosecution against former insurance agent LaVerne Berkner. Berkner was originally charged and convicted by this Unit in 1998, after it was discovered that he had changed the beneficiaries of several of the insurance policies he had sold to elderly clients without their knowledge. After this action was completed, it was discovered that Berkner had also diverted money to his own accounts that was intended by the clients to go their policies. As a result, Berkner paid over \$140,000 in restitution and was sentenced to serve 2 ½ years in the South Dakota State Penitentiary.



The Unit obtained two felony convictions for Grand Theft and Forgery against Barbara Bridger of Pierre. Bridger was a bookkeeper at a Pierre nursing home. Through a company internal audit, it was discovered that Bridger had embezzled over \$180,000 from the resident trust account and had forged the name of several co-workers in her attempt to cover her actions.

The Unit also prosecuted two cases of abuse. Tina Cunningham of DeSmet was found guilty by a Kingsbury County jury of Abuse of A Disabled Adult. Cunningham, a Certified Nurse's Aide, was observed by a co-worker striking an Alzheimer's unit resident for whom she was supposed to be providing care. Cunningham was ordered to serve 60 days in the county jail. In a similar action in Huron, Dallas Berens was convicted of Simple Assault after he was observed striking a resident of the local disabled developmental center.

In ongoing actions, the Unit was involved with national investigations against the pharmaceutical industry. Numerous companies within that industry are alleged to have falsely reported the wholesale prices of their products - reports upon which Medicaid payments to prescribing physicians and pharmacies are based. Settlement agreements were reached this year with Bayer Corporation and TAP Pharmaceuticals, resulting in payments to the South Dakota Medicaid Program of over \$60,000 and in reformation of the manner in which drug prices are reported. Investigations and negotiations are continuing with other major manufacturers.

The Unit also resolved a dispute with PSI Corporation, a supplier of durable medical equipment to Medicaid patients. PSI was alleged to have billed Medicaid for providing medical equipment to Medicaid patients without maintaining the proper authorizations and documentations required by State administrative rules. Prior to resolution of the matter, PSI, through its parent company, Rotech Medical Corporation, filed

for Chapter 11 bankruptcy protection. The Unit filed a bankruptcy claim on behalf of the Medicaid program and entered into an agreement to consider the entire amount of alleged overpayments plus the Unit's investigative costs as allowed claims. Although still subject to final bankruptcy court approval, the Unit anticipates restitution to the Medicaid Program of over \$75,000.

In addition, the Unit has initiated several other investigations of alleged theft, abuse, neglect, and provider fraud that are expected to come to completion in 2002. The MFCU has actively worked with other State and Federal agencies in its investigations. The Unit has participated in several health care seminars and presentations. Also, through the efforts of the MFCU, a section of instruction in investigation of elder abuse is now part of the standard course at the State Law Enforcement Academy.

FINANCE OFFICE

The Finance Division is responsible for budget, accounting, personnel and purchasing functions on behalf of the other divisions within the Office. The budget function includes assisting in the preparation, submission and justification of budgets, preparing and processing budget transactions, and monitoring budget balances.

The accounting function includes processing all accounting transactions; balancing each fund's cash; preparing all reports required for the statewide financial statements and by federal grant programs, and drawing federal cash on a timely basis.

The personnel function includes assisting employees with questions and complaints, processing employee timesheets; and assuring that employees and supervisors comply with Federal and State personnel rules and regulations.

The purchasing function includes assuring that low bids determined by the State's Purchasing Office are used for purchases of supplies and capital assets, and assuring that capital asset purchases are recorded on the State's Central Inventory System.

The budget for Fiscal Year 2001 was \$12,505,736. Of that amount 36.6% is general funds, 40.9% is federal funds and 22.5% is other funds. Federal funding continues to be the area that is showing the most growth.

LEGISLATION

The Attorney General introduced one piece of legislation, SB 22, which would have allowed the posting of certain sex offender information on the Internet. The bill passed the Senate, but was substantially modified by the House Judiciary Committee and eventually killed on the House floor. During the 2001 Legislative Session, the Attorney General's Office monitored 133 pieces of legislation, supported nine pieces of legislation, and opposed ten pieces of legislation.

CRIMINAL INVESTIGATION

The Division of Criminal Investigation is a comprehensive statewide law enforcement agency made up of the Division of Criminal Investigation (DCI), State Forensic Laboratory and Law Enforcement/911 Training (LET). The Division of Criminal Investigation operates with a 2001 annual budget of approximately 6.16 million dollars, with 60 employees.

DIVISION OF CRIMINAL INVESTIGATION

DCI assists local law enforcement agencies and prosecutors in the investigation of major crimes through 37 specialized agents stationed in twelve regional sites throughout the State. These agents are certified law enforcement officers and provide expertise in the investigation of homicides, rapes, narcotics/dangerous drugs, child abuse, arson, white collar crime, explosives, outlaw motorcycle gangs, and burglaries. DCI also provides specialized services in the areas of polygraph examination, hostage negotiations, composite art, and expert courtroom testimony.

DCI agents provide training to local law enforcement officers. The agents also fulfill many requests to provide training on a local level to police departments and sheriff's offices. Many agents are also firearm instructors and hostage negotiators.

DCI works with federal agencies to help coordinate new programs that will benefit the State by reducing targeted problematic criminal activity.

In 1996, South Dakota was designated part of a high intensity drug trafficking area (HIDTA), thus qualifying for federal funds to specifically target methamphetamine abuse and trafficking. In 2000, the HIDTA program expanded to include all drugs, while still maintaining an emphasis on methamphetamine. Two HIDTA analyst positions have been added to perform support functions, including intelligence analysis, statistical analysis and administrative functions. HIDTA/Meth arrests for 2001 totaled 356. In 1998, two teams of East River and West River agents were trained and equipped by HIDTA as first responders to potential methamphetamine laboratories. Each team was re-certified for 2002.

DCI continues to coordinate and pass through federal money designated for marijuana eradication. The funding is allocated to eligible counties for the identification and eradication of marijuana. Four new counties were added to the program, resulting in an increase in total plants destroyed. Approximately 294,842,944 plants were eradicated in 2001.

DCI maintains identification records and criminal history information for the state of South Dakota. All fingerprint cards/images (which include civil and law enforcement applicants, sex offenders and criminals) are processed in the Identification Section and all but civil images are stored at Division headquarters. Fingerprint identification technicians maintain the criminal records of 176,790 subjects. In 2001 the records for 24,440 arrests were processed in the Identification Section. Sixty percent of those arrests involved repeat

offenders. In addition to criminal arrests, more than 13,000 applicant background checks were conducted in 2001. The DCI continues to upgrade its Identification Section by further development and maintenance of the Automated Fingerprint Identification System (AFIS), which allows fingerprint technicians to scan fingerprint cards or images submitted electronically into a database for easy storage, retrieval, and comparison.

DCI's database is interconnected with the Minnesota and North Dakota databases for sharing of information known as the Midwest Automated Identification Network (MAFIN). This allows law enforcement agencies with AFIS to generate suspect lists from fingerprint data. AFIS gives DCI the capability of real time identification of a suspect in investigations, based on fingerprints found at the scene of a crime.

In September of 1999, the Brown County Sheriff's Office became the first local law enforcement agencies to submit live scan images electronically to the DCI, thus eliminating the mail time for paper arrest records. Then in March of 2000, Pennington County started to report their arrests via live scan technology, followed by Minnehaha County in August of 2000. In May of 2001, three more live scan workstations were installed in the Hughes, Davison and Lawrence County Sheriff's Offices. Four final live scan sites will be added in January of 2002. These scans will be located at the Yankton Police Department, and the Codington, Meade, and Brookings Sheriff's Offices. In total, ten local law enforcement agencies are now submitting

arrest information electronically to DCI, which amounts to approximately 70% of South Dakota's arrest reporting coming in paperless form.

DCI is the agency designated to receive and maintain a registry for sex offenders in the state of South Dakota. All who are defined as sex offenders by statute must provide information for the sex offender database. The DCI Identification Section monitors and updates the registry list continually and does annual address verifications. In 2001, there were 1,250 registered sex offenders living in the state.

The DCI has a criminal Intelligence Unit that assists local, state and federal law enforcement by collecting, analyzing and disseminating criminal intelligence information to support investigative functions. The Unit serves as manager and database center for the S.D. Law Enforcement Information Network (LEIN). There are currently 124 member agencies that participate in quarterly LEIN information sharing meetings and submit their intelligence information to the central database. The database, which was reprogrammed in 1998 to ensure Y2K compliance, contains approximately 6,297 separate intelligence reports. In 2001 there were 888 LEIN reports processed and added to the database.

The Intelligence Unit worked with the Department of Justice on LEIN compliance issues so that the database could become a node on a secure law enforcement Intranet. The DCI requested and passed a federal audit of its LEIN system as part of the node approval process. The LEIN project was accepted as

a node and is in the process of getting the system up and running. LEIN members will soon be able to access/share intelligence reports 24/7 via a secure Intranet. The Intelligence Unit also provides fast, accurate criminal statistical data to serve the needs of investigators and policymakers. The criminal analyst provides investigative services such as phone toll analysis, major case analysis, graphical displays and courtroom testimony on a case-by-case basis. The Intelligence Unit is also the liaison for Interpol, FinCEN, EPIC, and the statewide Missing Persons Clearinghouse.

The services provided by DCI in 2001 include 626 investigations; 63 polygraph examinations; processed 24,440 criminal fingerprints; conducted 13,418 noncriminal background checks; processed 66,441 FBI/III records with state responsibility; compiled 105,611 criminal record checks; updated 40,660 criminal records; filed and tracked 1,250 sex offenders; and seized \$1,000,000 dollars worth of drugs.

STATISTICAL ANALYSIS CENTER (SAC): The SAC's primary function is to serve as the clearinghouse in South Dakota for criminal justice statistical data. This includes collecting, analyzing, and reporting statistics on crime and related issues. The information is then shared with local, state, and federal agencies, and other interested entities. Crime in South Dakota is the annual publication that presents the compiled crime data. Other information gathered includes: summary data from the South Dakota Drug Abuse Warning network (SDDAWN); lab data collection forms; updates for the Criminal

Justice Directory; hate crime reports for the FBI; monthly penitentiary information; and quarterly reports from the Criminal History database.

The SAC also functions as the FBI clearinghouse for Uniform Crime Reporting (UCR) data and is the lead agency in the implementation of the National Incident Based Reporting System (NIBRS). NIBRS, which will eventually replace UCR, provides incident-specific information and details about criminals and their victims. The NIBRS software was rewritten in Access, and efforts continue to encourage participation by South Dakota law enforcement agencies. The new software allows for more complete, accurate and timely crime statistics and includes many report generators. South Dakota became a NIBRS-certified state with the FBI in early 2001.

TASK FORCE ON DRUGS: This office serves as the administering entity of federal grant monies from the U.S. Department of Justice through the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. Funds are provided to assist state and local units of government in carrying out programs that improve the functioning of the criminal justice system and enhance drug control efforts.

In addition to administering the Byrne funding, staff coordinated with the Governor's Office to distribute monies from the Local Law Enforcement Block Grant Program in support of the State Radio Upgrade Project.

The Statewide Strategy for Drug and Violent Crime Control includes the following priorities: 1) increase the manpower and other resources needed to address the drug and violent crime issues facing the law enforcement community in the State; 2) increase the manpower and other resources needed to address the drug and violent crime issues facing the prosecution community in the State; 3) provide institutional treatment programming for the chemically dependent offender; 4) provide programming to meet the identified needs of adjudicated juveniles; 5) provide prison industry projects designed to place inmates in a realist working and training environment that will enable them to acquire marketable skills; and 6) address criminal justice issues of Native Americans and other minorities. During FY01, in response to the first and second priority, the following programs were funded through the Office of Attorney General:

STATE MULTI-JURISDICTIONAL DRUG TASK FORCE: The purpose is to provide support to State and local law enforcement and prosecution agencies in developing multi-agency projects to investigate and prosecute narcotics traffickers and conspirators. Coordination efforts continue on a statewide basis. Ten (10) DCI agents are funded through Byrne funds to address drug and violent crime offenses. DCI agents handled 298 cases in 2001. There were 4,230 drug-related arrests (statewide) and 7,354 associated drug-related charges in CY 2000.

STATEWIDE DRUG PROSECUTION PROGRAM COMPONENT OF THE STATE MULTI-JURISDICTIONAL DRUG TASK FORCE: The information on this

program is located under the DIVISION OF LEGAL SERVICES (DRUG PROSECUTION UNIT) and is not duplicated here.

STATE FORENSIC LAB

Eight employees operated the State Forensic Lab during most of 2001. Laboratory personnel managed and conducted scientific examinations on physical evidence submitted by South Dakota law enforcement agencies, responded to assist law enforcement at crime scene investigations and testified in criminal court proceedings. This included the receipt of 450 felony cases involving 4,401 items submitted with 676 examinations assigned. Seven examiners conducted 5,169 examinations on 5,967 items and they completed 376 lab reports. They made 29 court appearances regarding their examination reports. The lab assisted law enforcement with 20 felony crime scenes and field investigations, conducted 53 CODIS (Combined DNA Index System) searches, repositied 398 blood and biological (buccal swabs) samples from convicted SD violent and sex offenders for genetic marker (DNA) data basing, devoted 336 hours on AFIS (Automated Fingerprint Information System) searching 95 latent fingerprints recovered at crime scenes and conducted 10,887 reverse fingerprint searches attempting to identify latent fingerprints that have been entered into MAFIN (Midwestern Fingerprint Information Network). Five firearms were entered into the DRUGFIRE system, a networked computer database of cartridge case images for forensic laboratories.

The lab cooperates with private medical facilities, SD Department of Health and law enforcement by providing

procedures and facilitating materials acquisition used in managing, collecting and examining sexual assault evidence. The forensic lab provides the Department of Corrections, regional jails and law enforcement with directions and materials used in collecting biological samples - cheek (buccal) swabs - from convicted violent and sex offenders that will be tested for DNA and incorporated in the convicted offender DNA database. To date there are more than 1900 individuals' DNA that have been examined and contained in South Dakota's offenders genetic marker (DNA) database. This DNA database is an investigative tool for SD law enforcement.

Lab personnel continue to be involved with coordinating PCR DNA testing by forensic DNA testing laboratories with law enforcement in active criminal investigations and the judiciary in court cases. Lab personnel teach lab capabilities to the General Law Enforcement Training Sessions, Highway Patrol Recruit classes, latent fingerprint recovery procedures as requested by law enforcement on and off site, and attend to informational requests made by law enforcement, attorneys and others.

Forensic laboratory examinations performed by the lab include blood stain pattern interpretation; trace evidence- hair, soil, fiber and glass examinations and comparisons; processing evidence for presence of latent fingerprints and conducting fingerprint examinations and comparisons for identification. The lab also conducts muzzle to target distance determinations; physical fracture matching; protective surface

coating examinations; serology; shoe and tire impression examinations; autolamp examinations; speedometer examinations; firearms examinations and toolmarks examinations; and crime scene assistance.

The anticipated completion of forensic PCR DNA STR analysis during the first quarter of calendar year 2001 did not occur. The SD Forensic Lab continues to proceed towards voluntary laboratory accreditation offered by the American Society of Crime Lab Directors/Lab Accreditation Board. The criminalist, hired in June, 2000, continues participating with a training program in forensic firearms and toolmarks. She is working with a recently retired Firearms and Toolmarks examiner who is certified by the Association of Firearms and ToolMarks Examiners (AFTE). Upon completion of this training, it is anticipated she will meet certification standards set by the American Firearms and Toolmarks Examiners. In 2001 the SD State Forensic Lab lost one criminalist and the Latent Fingerprint Examiner, who both worked with latent fingerprints and AFIS/MAFIN. The lab hired a criminalist in September, 2001, who is a trainee in latent print examinations.

This project's goal to provide forensic DNA testing by the SD State Forensic Lab to SD Law Enforcement was not met in 2001 due to staff not qualifying for technical leader status as required by the DNA Advisory Board's standards. Addressing this setback, a Forensic DNA and DNA Data basing Technical Leader has been retained through a cooperative agreement with the Minnesota Bureau of Criminal Apprehension Laboratory and

the SD State Forensic Lab. A goal has been set to accomplish meeting the DAB standards in 2002 and to commence analyzing samples of biological physical evidence associated with violent crimes utilizing forensic PCR DNA STR testing methods. Both criminalists involved with forensic DNA testing and DNA data basing offender samples continue with training opportunities including working on their Master's degrees, one through the University of SD and the other through the University of Central Florida.

The project did meets its 2000 objectives of completing the required training of two lab employees at training facilities outside of South Dakota in PCR DNA STR typing and purchasing supplies and capital assets essential for validating forensic DNA testing procedures.

The South Dakota Forensic Lab will adhere to standards developed and disseminated by the United States Attorney General with the assistance of the FBI and the National Institute of Justice, regarding program development or improvement of the capability to analyze DNA for identification purposes, including the 13 core Short Tandem Repeats (STR) loci using validated and reliable PCR DNA testing methods. Results of this DNA testing will be compatible with the National DNA Index System (NODES) and Combined DNA Index System (CODIS) managed by the FBI and the SD Forensic Lab.

To date, program accomplishments include: advanced training completed by two criminalists; meeting most of the fourteen required standards established by the DNA Advisory

Board and the American Society of Crime Lab Directors; lab personnel coordinated the use of PCR DNA testing in State court cases; sample collection and analysis supplies were purchased for using the Perkin-Elmer 310 Genetic Analyzer; and information continually provided to local, state, and federal law enforcement and states and prosecuting attorneys on a regular basis about the genetic characteristics of body fluids/tissues recovered at crime scenes. The SD Forensic Lab also manages the South Dakota Offenders DNA database (SDCL 23-5-14 through 18) for the Attorney General's Office.

LAW ENFORCEMENT/ 911 TRAINING

Law Enforcement Training (LET) operates on an annual budget of approximately \$977,000 with nine employees, and provides basic and advanced training to South Dakota law enforcement officers and all 911 telecommunicators. LET also provides training to prosecutors, correctional officers, and terminal operators and provides auditing of agencies for NCIC records and III compliance. Courses are taught at the training academy in Pierre and at field sites throughout the state. LET trained 4,074 students in FY 2001.

All South Dakota law enforcement officers and 911 telecommunicators must be certified within their first year of employment. Officer certification is usually achieved by completing the twelve-week basic certification course at the academy; 911 telecommunicator certification requires a two-week course. Officers and 911 telecommunicators currently certified in another state may take a reciprocity exam. If successful,

they need to attend only a portion of the basic course to obtain their South Dakota certification. LET currently offers three law enforcement sessions and three 911 sessions per year.

Advanced training covers the entire spectrum of law enforcement topics. Advanced training courses include:

- Homicide Investigation
- Domestic Violence
- Advanced Accident Investigation
- Advanced DWI
- SigArms Tactical Pistol Instructor
- Interview and Interrogation
- Pedestrian/Bicycle Crash Investigation
- Radar Instructor
- Rapid Deployment to High Risk Incidents
- Drug Impaired Driving
- DARE
- DARE Jr. High Instructor
- Radar Operator
- New Sheriff Training
- Applied Physics for Accident Investigation
- Prosecutor Training
- Community Policing
- Instructor Methods
- Firearms Simulator
- Cold Case Homicide
- Emergency Medical Dispatch
- Public Safety Dispatch

LET, through the Law Enforcement Standards and Training Commission, awards grants to local law enforcement agencies to host their own training. The grant program was established in 1993 to allow departments to bring in the training they felt was essential to their department, but not currently offered through LET. Thirteen grants were awarded and a total of 319 people were trained.

LET monitors the certification of approximately 1,600 officers and 350 "911" telecommunicators. Certain types of officer or telecommunicator misconduct may cause certification to be reviewed and suspended or revoked. An officer or

telecommunicator who loses certification through revocation or suspension is no longer eligible to work as a law enforcement officer or telecommunicator in South Dakota.

LET is also responsible for certifying police reserve units. Reserve unit records show there are 21 reserve units in SD with a total of 200 police reserve officers.

Terminal operators also need to meet a certification requirement within the first six months of terminal use. Terminal operator certification varies depending upon type of access. There are approximately 700 certified terminal operators in the State.

Each law enforcement officer who attends the Basic Course is mandated to perform an eight hour community policing project. This program has been in place for about four years and has resulted in officers donating several thousand hours of work in the Pierre/Ft. Pierre area at a variety of organizations such as the YMCA, local churches, Missouri Shores Domestic Violence Shelter, Civil Air Patrol, City of Pierre and area retirement homes.

One project that has been extremely popular is the officer mentor program with the Pierre Indian Learning Center (PILC) students. Over the past four years, about 210 officers have mentored with kids at PILC. This program has been well received by the kids at PILC and their police mentors. The mentor program is a success story that has the potential for positive long term impact.

The State Coordinator of Drug Abuse Resistance Education (DARE) training operates out of LET. The State Coordinator trains and evaluates all DARE instructors and ensures that a uniform curriculum is instructed statewide. For the 2000-2001 school year, there were 160 active DARE officers who have been trained by LET, providing instruction at 230 schools and 128 cities in the State. Annually, DARE instructors reach 13,000 students in kindergarten through senior high and their parents.

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